

**Notice of Allowability**

Application No.

10/027,228

Applicant(s)

BYRNE ET AL.

Examiner

Camtu T. Nguyen

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's election (filed on 4-16-2007).
2. ☒ The allowed claim(s) is/are 12-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4-22-02
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6-21-2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election***

Applicant's election with traverse of the first species of Figures 1-7, claims 1-14, in the reply filed on April 16, 2007 is acknowledged. The traversal is on the ground(s) that the species are closely related to each other such that would not present a serious burden on the Examiner. This is not found persuasive because there exists a major burden on Examiner to search both species with the first species having all of the elements and features as recited in claims 1 and 2, in particular, four areas of fastenings and their positions relative to each other and as well as the pluralities of first and second openings and how these openings are related to the four areas of fastenings, and with the second species having all of the elements and features recited in claims 15, in particular, the rear side, the front side, the passage, and as well as the flap.

The requirement is still deemed proper and is therefore made FINAL.

Claims 15-23 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 16, 2007.

Art Unit: 3772

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dawson on June 21, 2007.

The application has been amended as follows:

Cancel claims 1-11 and 15-23.

***Allowable Subject Matter***

Claims 12-14 are allowed.

The following is an examiner's statement of reasons for allowance: the art of record when considered alone or in combination neither renders obvious a protective wrap for covering an intravenous site on a person including an entertainment device comprising all of the elements as recited in independent claim 12, in particular, the first set of openings for inserting a portion of an entertainment device therethrough, the second set of openings arranged vertically, the second area of fastening for receiving a palm of a hand to rest thereon, the third area of fastening material on the wrap's front side attaches to wrap's rear side's the second area of fastening material, the first area of fastening material on the wrap's rear side attaches to wrap's front side's the fourth area of fastening material.

Art Unit: 3772

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,671,787 (Widman) discloses a support wrap system for intravenous tubing but Widman's wrap system lacks the disclosure of the plurality of first and second openings and as well as second and fourth areas of fastening materials.

U.S. Patent No. 5,649,901 (DiPietro et al) discloses a knee brace in Figures 3 and 4 but the knee brace does not have the plurality of first and second openings.

U.S. Patent No. 5,695,453 (Neal) discloses a limb immobilizer comprising a plurality of openings but does not teach claimed rear side comprising fastening materials.

U.S. Patent No. 5,076,289 (Darling) discloses an intravenous support means comprising elements as shown in Figures 1 and 2 but does not appear to disclose a rear side of the device comprising an area of fastening material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

Art Unit: 3772

- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Camtu Nguyen  
June 21, 2007

  
PATRICIA BIANCO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700